TWENTY MILLION LESS.

ALLEGED EXCESS OF THE CITY DEBT LIMIT.

THE CORPORATION COUNSEL ADVISES MR. COLER

THAT LIABILITIES FOR STREET OPENINGS AND PARKS SHOULD NOT BE RE-GARDED AS WITHIN THE CONSTI-

TUTIONAL PROHIBITION-HOPE FOR THE SCHOOLS.

Corporation Counsel Whalen yesterday sent to Controller Coler another opinion, the effect of which is to reduce by nearly \$20,000,000 the amount by which the Controller recently reported that the debt limit of the city had been passed. The opinion in brief was that the liabilities for street openings widenings and for parks, chargeable against the Fund for Street and Park Openings, should not be regarded as bearing upon the city's debt limit. This opinion apparently knocks the props from under the whole Tammany scheme for stopping public improvements, including the erection of many school buildings, for which the administration of Mayor Strong authorized bond issues.

THE DEBT LIMIT SAFE. With a margin of nearly \$20,000,000 it can no longer be contended that the debt limit of the former city of New-York was passed when the ges of bonds were authorized.

In the letter which Ashbel P. Fitch, the former Controller, wrote about a week ago, riddling the report of Mr. Coler upon the city's financial con-dition, these statements were made as to the post-

"In the first place, the contention of the Controller is absolutely new. None of his predeces-sors in the Finance Department, none of the distinguished lawyers who have been Counsel to the Corporation, no Mayor in considering the affairs of | ville. the city in his messages, has ever tried before to he affected by contracts running through many future years and dependent for their result on unknown quantities or by the purchase by the city of lands to be paid for by assessment on private property and protected by the Fund for Street and Park Openings, which is replenished from the proceeds of the tax levy. If this new contention is left out of consideration and the statement of the city's debt made as every other Controller made it, the old city was on December 31, 1897, inside the debt limit by \$39.863,317 83."

TAMMANY ON THE BACK TRACK.

Apparently the Tammany officials saw a light when they read Mr. Fitch's letter. They had been looking for a light to guide them out of a pitfall. They had not expected the overwhelming tempest of wrath which their scheme for discarding contracts and stopping all public improvements aroused among the people of the city, and since they have been made painfully aware of it they have shown a desire to take the back track. The Mayor has asked for information as to new school buildings for which contracts had been let, apparently with the plan of authorizing the completion of the buildings if a way can be found to raise the money, and now Mr. Whalen gives a helated decision which will enable the officials to issue bonds already authorized and go ahead with the work. The opinion of the Corporation Counsel which the Controller received yesterday is as follows:

Controller received yesterday is as follows:

Sir: I am in receipt of your communication bearing date April 26, calling my attention to a class of condemnation proceedings concerning which you are in doubt as to whether the estimated amount of the awards should be included as part of the city's indebtedness. You refer to proceedings instituted under the Street Opening acts, the awards in which are payable from the Fund for Street and Park Openings. You recite somewhat at length, the circumstances which save rise to the creation of this fund, which recital is entirely accurate, but need not be reiterated in answering your communication.

possible. It is not necessary to elaborate this question. But I may say briefly that I base my opinlons upon the sections of the portions of the
charter which refer to this fund, and especially
upon the charter provision which denies to the
property-owner a right of action against the city,
and which remits him to the method of payment
procured under the charter. (Greater New-York
Charter, Section 1,001.)

There are also involved in this question considerations pointed out in your letter, ramely, that
the city in taking property to be paid for out of
the fund in question acts not for the numberpal
benefit, but as a trustee for the people of the
whole State.

In the last of a long-line of cases on this sub-

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whole State.

In the last of a long-line of cases on this subject, regarding the power of a corporation over streets, the Appellate Division said: "The city of New-York is a trustee in but a general sense; that is, a trustee not for its citizens alone, but for the public at large." (The Mayor vs. Fitch, Ninth Appellate Division, 42).

I base my opinion, therefore, upon two grounds: First—That the liabilities in question cannot be the subject of an action against the city of New-York, but are recoverable out of a special fond, and in a special manner, which distinctly excludes the ordinary remedy by suit.

Second—Upon the nature of the use to which the acquired property is put, ...amely, for the benefit of the people of the whole State and not for the benefit of a municipal corporation alone.

I therefore answer your question, that in my opinion, liabilities the former of the people of the whole State and not for the benefit of a far street openings and widenings and (2) for parks chargeable against the Fund for Street and Park Openings, should not be regarded as indebtedness of the city of New-York, within the constitutional prohibition.

Corporation Counsel.

CERTAIN LEGACIES MAY BE TAXED

Newburg, May 11 .- The Appellate Court, Second Department, has just decided in the case of the will of Miss S. Maretta Thrall that legacies to municipal corporations are liable to taxation under the Taxable Transfer act of this State, Miss Thrall gave in her will the city of Middle-

Miss Thrall gave in her will the city of Middle-town 30,000 for the construction of a library. Sur-rogate Howeli, of Orange County, held that this legacy was not taxable, on the ground that the property of municipal corporations is exempt. The Controller of the State appealed from the decision, with the result that the Appellate Court says that legacies to municipal corporations are taxable. This is the first decision under the present law. The Controller was represented in the litigation by ex-Assemblyman Howard Thornton, and J. R. C. Taylor appeared for the city of Middletown.

ROUND LAKE OFFICERS ELECTED

Saratoga, May 11.-The Round Lake Association Saratoga, May II.—The Round Lake Association at its annual meeting to-day elected the following officers: President, C. D. Hammond, of Singerland; vice-president, the Rev. Dr. Joseph E. Ring, of Fort Edward; treasurer, George West, of Ballston Spa; financial and recording secretary, John D. Rogers, of Round Lake; corresponding secretary, the Rev. Dr. B. B. Loomis, of Troy.

BRADFORD ACADEMY DINNER.

The Bradford Academy Association of New-York gave its third annual dinner at the Hotel St. Denis yesterday afternoon. Before the dinner St. Denis yesterday afternoon. Before the dinner a business meeting was held, and after the reading of letters from absent members the following officers were elected, to hold office for one year:

President, Mrs. Henry A. Stimson; vice-president, Mrs. Johanna Wright; secretary and treasurer,

MR. WHALEN'S OPINION REDUCES THE LIEUTENANT PEARY'S VESSEL FIFTY-TWO DAYS OUT FROM LONDON.

> SHE CAME ACROSS UNDER HER SAILS, USING HER ENGINES ONLY TO CLEAR THE ENG-LISH CHANNEL-THE SHIP THOR-

OUGHLY SEAWORTHY.

The little arctic vessel Windward came into port yesterday after a tedious passage of fifty-two days from London. She arrived in port under sails, having gives up the use of steam power after she got out of sight of land on the other side of the Atlantic. She was within twenty miles of Sandy Hook on Sunday last, and the captain of the versel was sure of making port that night, but adverse winds sprang up which resulted in sending him over one hundred miles out of his course, and it was not until yesterday morning that he was able

The steamer sailed for this port on March 19. She was presented to Lieutenant R. E. Peary by Alfred C. Harmsworth, of "The London Mail," who had the vessel built especially for arctic explora-

When the Windward did not arrive here three weeks ago fears were felt for her safety, and many persons believed that she was lost. Her former owner and Lieutenant Peary were, however, of the opinion that the little vessel would come into port all right. The Windward is in command of Captain Reld, of the Royal Naval Reserves. His crew con-Reld, of the Royal Naval Reserves. His crew consists of twenty-seven men. He intended to take the steamer up to the Navy Yard, where she was to remain until she started on her trip to the arctic region. The war, which had begun since the Windward salled from London, compelled the changing of these plans, as the yard is now crowded with vessels being prepared for active duty. Instead of going to the Navy Yard at present the Windward will remain at anchor off Tempkins-

Captain Reid said last night, when seen on board prove that the margin of the city's liability must the vessel, that he had no intention of making a quick trip to this port. The Windward left London under her own steam, but as soon as he got the vessel out to sea he used the sails. This he did on account of the fact that the Windward needed her coal for ballast. At the same time the captain complained about the new engines of the vessel. He said that Mr Harmsworth had had her com-

complained about the new engines of the vessel. He said that Mr Harmsworth had had her completely overhauled and repaired before sending her over to this side, and he had new powerful engines put into her which were supposed to be good for six knots an hour, but the actual use of the engines showed that they could not make one-half that speed. Captain Reid said that the contractors who had placed the new engines in the steamer had not fulfilled their contract.

The vessel took a southerly course to avoid storms. The first bad weather was experienced when in the latitude of Rermuda on April 25. This storm, which disabled several other vessels, had no effect on the Windward, and Captain Reid could not say enough in praise of the seaworthy character of his vessel.

The Windward is one of the stanchest arctic vessels ever built. She was especially constructed for ice work, and is fitted up with all the most modern appliances and conveniences. She has an extra steel-sheathed bottom.

She has taken a prominent part in arctic explorations of recent years. While the Jackson-Harmsworth expedition was in Franz Josef Land for three years the Windward made three separate trips between England and the camp of the explorers. Five dips after landing the party, on September 12, 1844, the lee closed in on her. Until July the vessel could not be moved a fact. The crew suffered severely from the cold and from disease. The lee pack, however, broke up on July 1, and two days later the journey south to England was begun. The lee field was more than three hundred miles in width, however, and the floes were so tightly bound together that the crew aimost despaired of ever getting the vessel through.

It took until Sectember 6 to finally get clear of the fee, and in accomplishing it every bit of fuel on beard had been used to make steam. Even parts of the vessel were lourned up when the coal supply ran out. Fevorable winds carried the Windward to Vardo on September 10, where supplies were procured. For fourteen months and the first voya

MR. COLERS QUESTION.

MR. COLERS QUESTION.

MR. COLERS and a relative for parks, seemes and whether liabilities for parks, seemes and whether liabilities for parks, seemes and whether the parks of parks, seemes and whether the parks of parks, seemes and whether the parks of parks, and the parks of the presence of the presence of the presence of the parks of the parks

The Rev. Dr. G. L. Pentecost was selected to preach the anniversary sermon at the Fifth Avenue Presbyterian Church next Sunday. The Board of Trustees was re-elected, with the addition of the Rev. James B. Steele in place of Jeremian Taylor, and the Revs. William H. Rice, William M. Isaacs and Dr. Eugene L. Hoffman were elected honorary vice-presidents.

The report for the year showed that the society had suffered during the last year from financial depression, and also from the failure of its new building to yield it any financial aid. It was said, however, that the difficulties were disappearing, and there were brighter prospects for the future.

FAY TEMPLETON'S ARREST ORDERED.

A PERSONAL ATTACHMENT ISSUED FOR THE ACTRESS BECAUSE PROCESS-SERVERS

An application was made to Justice Pryor, in the Supreme Court, yesterday for an attachment for the person of Miss Fay Templeton Osborn, the notress, arising out of the actress's troubles with

Miss Templeton mysteriously disappeared from Mr. Rice's company while it was on the way to Montreal. Mr. Rice had a contract with her to appear with "Excelsior" for a period of forty weeks, from September 7, 18%, when she disappeared. By reason of the breach of contract he calculates that he is out of pocket \$25,617. Ed-

calculates that he is out of pocket \$5,67. Edward E. Haskell, to whom Mr. Rice assigned the
claim, brought suit to recover this amount, but he
has had his own troubles in trying to serve the
defendant in the case.

In affidavits presented yesterday Haskell alleges
that she is trying to keep out of the road of
process-servers, with the idea of defrauding her
creditors, and asks that the personal attachment
be issued and placed in the hands of the Sheriff.
Justice Pryor granted the application.

WANT THE BOWERY RENAMED.

Another movement is on foot to secure the oblitstreets of this city. Some time ago a number of the storekeepers in that historic street came to the conclusion that it had become a little too his toric for their purposes, and signed a memorial asking that the name be changed. The movement met unexpected opposition. On the one hand the antiquarians and sentimentalists, and on the other Steve" Brodle and the majority of the saloonkeepers in the street, protested vigorously against what they called the descration of the famous

thoroughfare. And so the movement came to nothing. But now another and stronger attempt is being made to have the Bowery remamed. Those who wish this to be done don't much care what name is chosen. From Dewey-ave, to Paddy Divverst, anything would be welcomed, as long as all suggestions of the old title are eliminated. They say that the present name spoils their business. Since a certain popular song was on the lips of everybody in New-York, not to speak of strangers from rural districts, the storekeepers say that the Bowery has borne a bad name. But will they not, perhaps, be killing the goose that lays the golden eggs if it becomes a street of another name? There is nothing about streets in the proverb about the rose smelling sweet, and it may be a mistaken idea, but it seems to be generally thought, that the Bowery lives on the human geese who are attracted by its name for wickedness. thoroughfare. And so the movement came to noth

THE WINDWARD IN PORT. WHEAT MUCH MORE QUIET.

EXTREME RANGE IN PRICES SMALL.

HEAVY LOSSES AMONG CHICAGO DEALERS-CASH DEMAND NOT GREAT. [BY TELEGRAPH TO THE TRIBUNE.]

Chicago, May 11.-The wheat pace is letting up. only a 5-cent range in the May to-day; only the July. That would look like a crazy spread at any ordinary time. It is a humdrum one compared with recent fluctuations compared, for instance, with the 20-cent break of yesterday.

Wheat risks have been so extreme that traders are dropping out. There have been terrific losses terrific losses even among the veterans. It has cut the wheat crowd in two, scattering it over to corn, oats and provisions. Of course, experiences have been the same the world over, and the results have been the same the world over.

It is not remarkable that there is now some July wheat opened at a range of 3 cents to-day, from \$1 12 to \$1 15; sold between \$1 15 and \$1 00%, and closed at \$1 10%. On the curb to-night it is \$1 13. May opened at \$1 50, sold at \$1 75 and closed at \$1 79. It is not like an old-time market. Those who used to trade in 100,000 bushel lots are satisfied to trade in 5,000 hushels. People who used to take small

lines are out altogether. The trade does not talk half so much about Lefter winnings now as it does about its own losses. The commission men have escaped pretty well. Customers have stood up remarkably. sufferers have been the professionals, the scalpers, the floor traders and the spreaders. Liverpool today opened at a sharp break, but partly recovered up % cent on some futures; off 254d, on others.

No one was curious about last night's Government report. It was not nearly as bearish as expected, suggesting a crop of only 343,000,000 bushels winter wheat. September and December wheat were strong. September closing 1% cents over Tuesday; December 14 cents over.

A cable reported that the Argentine Government wheat reserves of the country, with a view of re-stricting exports if such a step were found neces-That was a surprising bit of news, and had something to do with the demand for September and November. Everybody wants to get out of July. The crowd thought Letter was a buyer of September probably a mete fancy. The latter would evidently like to see a quiet market. He wants to see no failures, that would imperil some

s profits.

specific profits are profit to specific profits. In some rewas not bidding up so for ear lots. In some rewas not bidding up so for ear lots. In some remarks they were relatively 10 cents lower than criday. Even Leiter said the shipping demand range, Even Leiter said the shipping demand range and he reported only 16 (30) bushels some nail lots. The Western movement is enormous nail lots. The Western movement is enormous nail lots. The western movement is enormous nail lots. in small lots. The Western movement is enormous -812.00 bushels at primary points, against 279.90 bushels last year. There is a respectable movement in this direction 246 cars at Chicago, with 171 contract. The Northwest had 421 cars, against 27

contract. The Northwest had as the contract last year.

In the curb wheat was firmer. July touching the the curb wheat was firmer. July touching \$1.3. Puts on July closed at \$1.03; calls at \$1.21. Puts on September wheat. \$97, and \$00, cents; calls, to cents. LESS EXCITEMENT IN THE PIT HERE.

MAY FALLS TO \$1.77, A DROP OF 14 CENTS FROM TUESDAY JULY CLOSES AT \$1 20%. The wheat pit at the Produce Exchange was yesterday much quieter than on Tuesday, when the market was one of the wildest on record. May While the market was more quiet and less exfited, it was no steadier, but continued its erratic

The fluctuations, however, while sharp, were not so frequent as on Monday and Tuesday, and the wearied brokers and commission agents had a little leisure for the settlement of balance accounts. Reports from foreign markets quieted the market

ARTICLES OF RARE VALUE AT AUCTION. A sale, including an original edition complete of A sale, including an original callion complete of Audubon's "Quadrupeds and Birds of North Amer-ica," with all the colored plates, will take place to-morrow at the Silo Art Gallery, No. 42 Litterty-st. Goods from several properties, including the estate of Aaron Raymond, to which the edition of Audubon belongs, will be disposed of at auction. This work is one of great value, and is rare enough This work is one of grant to attract considerable attention. The lot, which consists of a large folio edition, containing the plates of birds; two smaller editions, containing the plates of the quadrupeds, and eight volumes of text, was surrounded during the entire time that "The Tribune" reporter was in the galleries yesterday by a group of persons. The edition, when purchased by Mr. Raymond about twenty-five years ago, is said to have brought \$2.50.

The auction began yesterday by the sale of a fifty pieces of ordinary interest. This afterno however, there will be offered about three hun-dred and fifty articles, mostly from the property of a man who is now abroad and from the Ariston apartments, including mediaval arms from the Orient and Europe, Persian, Arabian and Indian swords, pistols, gold, sliver and ivory iniald dagswords, pistols, gold, sliver and Ivory inlaid daggers, several pieces of old satsuma, cloisonne enamel and other art objects, and some mahogany. Gothic and Chippendale furniture. Among other articles are a mantel clock, with a day movement, a regulator and fewel dial; several fine pieces of bronze and an Alaskan shield. The sale to-day and to-morrow will begin at 1 o'clock, the Audubon sale on Friday being advertised to begin at 3 o'clock.

STEAM ENGINEERS ELECT OFFICERS.

At the twelfth annual convention of the Supreme ouncil of the American Order of Steam Engineers yesterday, at the Broadway Central Hotel, officers were elected as follows: Supreme chief engineer, Franklin R. Moore, of Pennsylvania; Supreme first nsatstant engineer, N. M. Kenney, New-York supreme recording engineer, James Lightfoot, Penn supreme recording engineer, James Lightfoot, Pennsylvania; supreme corresponding engineer, Clifford
P. Williams, Pennsylvania; supreme treasurer,
George W. Richardson, Pennsylvania; supreme
sentor master mechanic, Thomas Ditchett, Massachusetts; supreme lunior master mechanic, W. J.
Mitchell, Delaware; supreme inside sentinet, S. D.
Woodington, Pennsylvania; supreme outside sentinet, John Allas, Pennsylvania, and supreme chaplain, H. G. Conner, Pennsylvania. The convention
will be continued to-day.

ANNIVERSARY OF TEMPLE ISRAEL.

The twenty-fifth anniversary celebration of Temple Israel, of Harlem, is to begin to-morow evening with a service at which the salutation will be filed, but it seems to be generally thought, that the Bowery lives on the human geese who are attracted by its name for wickedness.

COTTON MILL TO SHUT DOWN.

Fall River, Mass., May 11.—The announcement is made to-day that the Sagamore Cotton Mill, No. 1, will shut down on Saturday next for one week.**

with a service at which the saintation will be given by the Rev. G. Gotthell, of Temple Emanu-El. The oration will be delivered by the Rev. Dr. J. Krauskopf, of Philadelphia, and there will the addresses by Daniel P. Hays, president of Temple Israel, and the Rev. Dr. Maurice H. Harris, rabbi of Temple Israel, and the Rev. Dr. Maurice H. Harris, rabbi of Temple Israel, and there will be a service on Saturday morning, a banquet at the Tuxedo in the evening, and there will be a service, addresses and entertainment on Sunday morning. LARGE DISBURSEMENTS OF GOLD.

AN EXPLANATION MADE BY ASSISTANT SECRE-

TARY VANDERLIP.

Washington, May II.—When asked to-day as to the reason for so large disbursements of gold, Assistant Secretary Vanderlip explained that, with the present large stock of gold in the Treasury (about \$180,500,000), with the daily revenue coming in, paid, as it is, substantially in gold, it was imperative that disbursements should be made in similar funds. The fact, too, that the daily payments are now and for some time will continue to be in excess of the receipts, makes it plain that the large gold balances will be reduced. This will continue, he said, until by the proceeds of sales of the new bonds to be provided for the receipts are augmented.

Comparing the amounts of the several kinds of money row in the Treasury with the figures for November 11 last, it is found that the amount of gold has increased from \$155,055,060 to \$180,696,944. The amount of free silver has decreased from The amount of free silver has decreased from \$16,142,314 to \$6,734,199, and the amount of United States notes has decreased from \$39,437,985 to \$31,-61,552. The amount of Trensury notes is shown to have decreased by ever \$2,140,699, and National bank notes about \$1,99,699, and during the same time the deposits in National banks have increased about \$19,99,99, on account of money received from the Facilic railroad sales. For some months before war began the receipts from customs were constantly increasing. Told is shown by the records of the Department, from which it appears that since August, 187, the receipts from this source were as follows:

In April the customs receipts fell off to \$14,193,575. For the first sleven days of the present month they amount to \$5,157,221.

Because of the scarcity of greenbacks and other forms of paper currency the United States Sub-Treasury in New-York has been for some little time paying gold both in its settlements with the Charing House and over its own counters, and on Tuesday the same thing was made necessary at Washington. The payments made through banks had appointed a commissioner to investigate the and the Clearing House, however, have largely exceeded those made at the Sub-Treasury itself. Yet more than \$2,00,00 was paid at the Sub-Treasury on Tuesday, and if the task continues it will prove highly inconvenient on account of the difficulty and labor involved in handling so many coins and such a great weight of gold, from two to four

Although nearly all customs duites have been tid in eliver for a number of years, at present are than half such duites are paid in gold. The nited States Treasury's free holdings in gold are we above fiscation, and new gold imports are nounced every day, while the holdings in green-clar Treasury notes and sliver certificates do not ceed \$55,500,600.

Laziel Frères vesterday announced an additional engagement of \$29,200 gold for import, their present total thus reaching \$11,300,200. Heidelbach, Ickelheimer & Co have on the way from Europe \$10,000 in gold, their total being \$6,550,000, and the National City Bank has \$40,000 coming, making its total to date \$12,200,000. A dispatch from London announced that \$30,000 buillion had been engaged yesterday for shipment to New-York.

CHINESE INSTITUTE PLAY COMMENDED.

THE BOARD OF TRADE PROMISES SUPPORT OF POSES THE MAIL-REDUCTION BILLS.

The New-York Board of Trade and Transportation field a meeting yesterday, W. H. Parsons, the vice-president, being in the chair, at which resoluwheat opened at \$1.85 a bushel, a drap of 6 cents tions protesting against the adoption of measures from Fuesday's closing price. July, on the other to reduce the mail deliveries in cities as unwise hand, opened at \$1.25, an advance of 402 cents. and not calculated to premote economy in the cervist, and as a serious injury to business in-

The Rev. Gilbert Reid, who for the last fifteen The Rev. Collect Res., who the last asset years has been associated with missionary work in China, outlined the work which it is proposed to do in that country through the establishment of the International Institute of China. Assurances of financial support for the institution, he wild, had been received from many prominent men, including J. Pierpout Morgan and Morris K. Jesus.

At the close of the address resolutions were assed commending the enterprise as promoting commercial relations with China, and a committee flive was appointed to aid the enterprise.

JUMPED FIVE STORIES TO DEATH.

A WOMAN'S THIRD ATTEMPT AT SUICIDE SUCself. Mrs. Attilla Rumgay, thirty-six years old, mucroeded yesterday morning, jumping from the record of the five-story flathouse in Kingahridge CESSPIT.

Road, near Two-hundred-and-seventh-st. Mrs. Rum-gay lived on the fourth floor of the house. Last Friday she attempted to kill herself by jumping from a window, and was prevented with difficulty by her husband from earrying out her purpose. He caught her by her right fout as she was about to leap from the stil. Last Sunday the woman went to the Hariem River and would have jumped in had not a friend prevented her. There was no one but her three children at home yesterday morning and Mrs. Runngay climbed to the roof and jumped off. Her death was instantaneous.

PUBLIC LIBRARY TRUSTEES MEET.

The trustees of the New-York Public Library (Astor, Lenox and Tilden Foundations) held their monthly meeting yesterday at the Aster Library. Alexander E. Orr presided, and the other trustees present were Samuel P. Avery, John L. Cadwalaster, Andrew H. Green, Daniel Huntington, H. V. R. Ken-George L. Rivea, Philip Schuyler, George W. Smith, Frederick Sturges and Charles Howland Russell. A resolution was passed authorizing the director to cure a dynamo to supply electric lights in the secure a dynamo to supply electric lights in the Astor Library. This may mean that the library may soon be opened at night, a boon long desired by a large section of the public. At present the library gets its electricity from one of the companies, and the lighting has recently been by no means adequate. It was announced that the library had received gifts of three books published early in the sixteenth century, including one published in Germany in 1518.

TWO KILLED BY AN EXPRESS TRAIN.

English, twenty-eight years old, were killed at Rys-yesterday morning while walking on the tracks of he New-York, New-Haven and Hartford Raffroad. The men, accompanied by James R. Gallagher, left in the Regular Army. They reached Rye yester-day morning, and Father Barry, of the Church of day morning, and Father Barry, of the Church of the Resurrection, gave them work to do, their breakfast and a small sum of money. Nichols and English finished their work first, and while at the station waiting for Galliagher were amusing themseives by walking on the tracks. They had just reached the centre of the iron bridge over Purchase-st, when an express from New-Haven appeared. The men could have escaped if they had obeyed the signals of the engineer and thrown themselves beside the track, but they were too frightened. They classed each other in horror as the locomotive struck them.

J. J. RYAN'S SLAYER SAID TO BE CAUGHT. A dispatch was received by the police in this city vesterday from Halifax, N. S., announcing that the Italian, Archangelo Oliveri, who shot and killed John J. Ryan, the contractor and builder, at Oneamdred-and-sixty-second-st, and Amsterdam-ave. on April 18, nad been arrested in Mills Village, N. S. The man was in Hallfax several days ago. He answered the description of Oliveri, except that he had a sear on the right cheek, while, according to the description telegraphed all over the country by the description telegraphed all over the country by the New York police, the murderer had a sear on, the left check. This was a mistake, but while the New York police were correcting it the man left Hailfax. Captain McCluskey said yesterday that it was not yet certain that the man arrested was Olyeri, but a detective had been sent to Hailfax, who would identify the man if he was the mur-derer.

THEOLOGICAL SEMINARY STORY DENIED. The recently published statement to the effect that only a small number of the graduates of Union Theological Seminary last year have re-ceived calls to pulpits was denied yesterday by the Rev. Charles R. Gillett, the librarian of the Semi-

Mr. Gillett said that there were thirty-two graduates last year, and of that number twenty are now laboring in Presbyterian and Reformed now laboring in Prosoytean and Reformed churches, three in Congregational churches, one in the Paptist ministry, one in the Methodist ministry, one (a woman) is engaged in teaching, another graduate is studying law and four others are continuing their theological studies. He further said that the allegations about the class which will be graduated next week are as far from the truth as those in regard to the class of 1897.

NORMAL SCHOOL PRINCIPALS MEET.

Oswego, N. Y., May 11.-The principals of many normal schools throughout the State met in semiannual session to-day. Among those present were Charles H. McLean, of Brockport; James M. Cas setty, of Buffalo; Francis B, Palmer, of Fredoria; John M. Milse, of Geneseo; Archibald C. McLachtan, of Jamaica; Frank S. Capen, of New-Paltz; James M. Milne, of Oneonta; Edward N. Jones, of Plattsburg, and Thomas B. Stowell, of Potsdam, State Superintendent Skinner did not come, but will be met by the committee at Syracuse to-night, where the business of the session will be trans-acted.

The Manamater Store Points of Interest

In the basement, "The Vineyard,"—which is really a vineyard idealized and brought to finalities. It is devoted to the showing of our own unfermented Grape Juice;—whole bowls of it for your trying. It is really the pure juice of the grape, unmixed with chemicals and dye-stuffs, and without a trace of alcohol.

In the basement also, the Cooking-by-Gas School. Miss Lemcke's

menu for to-day is as follows:-

At 10:30 A. M.-Roast Lamb, Mint Sauce; Strawberry Short Cake, Crullers, Vienna Rolls.

2:30 P. M .- Puff Paste, Pattie Shells, Lady Locks, Rye Bread, Broiled Steak, Broiled Lamb Chops, Seasoning Butter.

Hints of Carpets

WHEN we say "Carpet Bargains," the public has learned to stop and listen. True of most of our economical suggestions, but perhaps particularly true of carpets because carpet bargain means a bargain of some

magnitude in the aggregate. The position of our Carpet Store is some-

what masterful. The element of mercantile control enters very largely into its dealings, for it is a very big carpet store indeed, and yet is somewhat smaller than its requirements. To a certain extent,—no small extent, either,—it can dictate. It has exercised this power on some lines of most-used carpets with this result:-

It offers you Velvet Carpets for \$1 a yard, which elsewhere cost you \$1.40 and \$1,50. It will sell you Brussels Carpets at 85c. a yard, for which smaller stores must ask \$1.35, - and vet be fair.

There are lines of Axminsters at 75c. a vard, on which the accepted price is \$1. And Tapestry Carpets, -very fine ones. -which you generally associate with a price of 85c., cost you here 65c. vard.

Price isn't everything, we know. But you will find the selection of pattern even better than the price. We do nothing by halves, and the carpet people have chosen

as well as wisely, and as liberally as tastefully. We think we have more kinds of good Mattings than you often see in one store. We'd like you to just look them over, if only as a matter of curiosity, to see how many styles there are. You can tell by counting ours, for we think we have them all: that is, all that you would think worth having.

JOHN WANAMAKER

Formerly A. T. Stewart & Co., Broadway, 4th ave., 9th and 10th sts.

DR. HALL GOING TO EUROPE.

TO LEAVE HERE NEXT MONTH AND TO STAY UNTIL OCTOBER.

The Rev. Dr. John Hall, paster of the Fifth Avenue Presbyterian Church, is gradually recovering from the illness which recently afflicted him, and in order to assure his complete convalescence he will make an extended visit to Europe during the summer. At a meeting held last Thursday the trustees voted to give him a six months' vacation for this purpose. Dr. Hall expects to leave here for Europe in the first or second week in June, and ac-

THE COURTS.

COURT CALENDARS FOR TO DAY. Appellate Division. Supreme Court. Before Blarrett. Pattern, lograham and M. Leughlin, JJ. Court opens at 1 m. Nos. 71, 17, 26, 85, 72, 12 m. Nos. 71, 17, 26, 85, 72, 12 part. J. Before Bischoff. estate. Mr. Cauldwell, was at one time a State

Tourt Special Term Part IV Before Daly, J. fact N = 6444, 3324, 6317, 6619, 6625, 6726, 6626, 6622, 6622, 4831, 5626, 5626, 6628, 4801, 6227, 6461, 6614, 6670, 6701, 5719.

Supreme Court Special Term Part (1 601) 6015 6712 12w and fact New 6444 3024 6017 6019 6015 6712 6714 6718 6412 6702 4853 5215 6776 5050 5055 6425 6945 6740 6440 4950 6027 6461 6914 6970 6704 5704 5705 6725 5627 6707 (Sept. Supreme Court Special Term Part V Refore Chase, J. Supreme Court Special Term Part VI Motions to be sent from Special Term Part VI Motions to be sent from Special Term Part VI Refore Cohen, J. Elevated railroad cases. Clear.

Supreme Court Special Term Part II Hefore Truax, J. Elevated railroad cases. Clear. ourt - Special Term that 11 Defore Truax J. nutr Tria Term Part II Defore Truax J. nutr Tria Term Part II Defore Truax J. nutr Tria Term Part II Defore Truax J. 1608, nutres Nos. 10887, 15871, 15879, 15878, 160 Mest 15070 10094 15047 11869 14485, 15186 16092 1511.
 Légo 14095, 14380 15644 15139, 15597, 15118 16035, 15867.
 Bosterne Court Trial Term Part III—Refore Scott, J. Norgene Court Trial Term Part III—Refore Scott, J. Norgene Court 15040, 9703, 11732, 11767, 11813, 2054, 16133 2653, 16612, 16542, 16570, 16321, 16971, 16989, 9287, 16131 26530, 16131 16138.
 Charles I. 1525, 11310, 11318.
 Charles I. 1626, 1510, 11318.
 Charles I. 1626, 1510, 15118.
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 Charles I. 1627, 1511 1511.
 Charles I. 1628, 15118.
 Charles I. 1628, 16

shed. agreeme Court Trial Term Part VI Before Giegerich, Causes to be sent from Part III for trial, Case unfinished.
Supreme Court. Trial Term.—Part VII.—Before Beach, J. Nos. 10433, 10511, 431, 5354, 8967, 8381, 7155, 6955, 8764, 8818, 8816, 81668, 8173, 10882, 11047, 11079, 11110, 8178, 6259, 10450, 11100, 11103, 11183, 11233, 11247, 11244, 11244, 11255, 10066, 11268, Case unfinished.
Supreme Court.—Trial Term.—Part VIII.—Before Beekman, J. Causes to be sent from Part VIII for trial. Case unfinished. anished.

appene Court Trial Term Part IX—Adjourned until
appene Court Trial Term Part X—Before MacLean,
usreme Court Trial Term Part VII for trial. Clear,
upreme Court Trial Term Part XI—Before McAdam,
Causes to be sent from Part VII for trial. Case unsteed. shed, apreme Court Trial Term Part XII Before Stover, Causes to be sent from preferred calendar for trial, a uninclude. Case unfinished.

Surrogate's Court Chambers Refore Fitzgerald, S.—
Wills for probate; Susan M. Marcotte, at 10 a. m.; John Rogers, John F. Winkler, Jacob Roistegel, Frederick Kessler, Jacob Brann, George F. Lathrep, at 10:30 a. m., Matthew Riley Marie Richter, Janet M. Crichton, Margaret S. Marquand, at 2 p. m.
Surrogate's Court—Trial Term—Before Arnold, S.—No day calendar.

City Court-Trial Term-Part II-Adjourned for the term.
City Court—Prial Term—Part III—Before Conlan, J.—
Nos. 2513, 813, 901, 902, 227, 757, 805, 917, 918, 905, 1123, 910, 97, 463, 818, 500, 5014%, 329, 1076, 197, 957, 1072, 724, 4828, 741, 1045, 484, 1060, 1062, 1067, Clear, City Court—Trial Term—Part IV—Refore Fitzsimons, C. J.—Short causes Nos. 4979, 2196, 2191, 342715, 4414, 4644, 4934, 4820, 4001, 4080, 4290, 4063, 5019, 5015. Clear,

REFEREES APPOINTED. By Hischoff, jr., J. Rankin agt. Tangredi-Joseph McElroy, Mctropolitan Life Insurance Company agt. Weed-John ord. Lord agt. Taylor-Wilber McBride. Kernochan agt. Geffney-George E. Morgan.

Kernochan agt, Geffney-George E, Morgan,
By Pryor, J.
Mount Morris Co-operative Building and Loan Association agt. Toble-Chauncey S. Truax.
Emigrant Industrial Saxings Pank agt. Mathews-Dantel
Briggs.
Farley agt. Gross-Chauncey S. Truaz.
Matter of Van Pelt-Samuel B. Paul.
Hicks agt. Clark-S. C. H. Ward.
Blaker agt. Relity-Donald McLean.
Stillman agt. Silverbiatt-Obed H. Sanderson.
Gale agt. Riley-Donald McLean.
Matter of Bostwick-Hamilton Odell.

RECEIVERS APPOINTED

Annie El Clarke art. Marie A. Grening-William A. Scott.

COURT OF APPEALS CALENDAR TO-DAY. Albany, May II.—The Court of Appeals calendar for to-morrow is as follows: Nos. 508, 810, 504, 512, 516, 519, 523 and 524.

BIG LANDSLIDE NEAR FONDA.

Amsterdam, N. Y., May ii.—A big landslide oc-curred at 6 o'clock this morning on the Fonds, Johnstown and Gloversville Railroad at Sponnen berg's Cut, about half a mile above Fonda. berg's Cut, about hair a min above roma. Indusands of yards of earth sild down upon the tracks, completely blockeding them. Freight traffic is utterly at a standstill, but passengers are being transferred over the electric division of the road. A large gang of men is at work clearing the tracks. The landslide is the largest on this road in A HEAVY FINE IMPOSED.

THOMAS ROGERS MUST PAY \$60,000 OR GO TO JAIL.

SURROGATE SILKMAN, OF WESTCHESTER, GIVE A DECISION IN THE CASE AGAINST THE

ROOFES THE LOCOMOTIVE BUILDER. Surrogate Theodore H. Silkman in handing down his decision in White Plains yesterday in the accounting of Thomas Rogers and William Cauld-well, as trustees of the estate of Jason Rogers. fined Thomas Rogers \$60,000 for misappropriation forthwith Mr. Rogers is to be kept in close inement in the Westehester County Jall until it

has been made good. Jason Rogers was one of the owners of the Rogers Locomotive Works. At his death, in 1869, he left an estate valued at several million dollars. A portion of this estate was invested in stocks. His

The following extracts touching on vital points

This is a proceeding to punish Thomas Rogers and William Cauldwell, the trustees, for contempt of court in failing to comply with the decree entered March 16, 197, wherein they were directed to pay to Mary J. Westerfield \$85.09146, and Flora E.

This is a proceeding to punish Thomas Rogers and William Caudwell, the trustees, for contempt of court in failing to comply with the decree energy of the court in failing to comply with the decree energy of Mary J. Westerfield SS.29146, and Flora E. Rogers Sang 15, with costs.

The decree was appealed from, but the Appellate Division of the Supreme Court affirmed the Surrogate. Judgment was entered upon the order of affirmance on December 5, 1827.

The respondents introduced a record, from which it appears that William Cauldwell, one of the trustees, indeapropriated to his own use \$197,090 of the trust estate, which includes the sum directed to be paid to Mary J. Westerfield and Flora E. Rogers. Of this sum, about \$13200 was taken by William Cauldwell without the knowledge of his co-trustee. Thomas Rogers, and the balance, about \$63,000, was taken with the consent and connivance of said Rogers. In order to secure the trust estate, William Cauldwell has turned over a large amount of his property within and without the State, which property is now in the hands of Mr. Shillaber, the substitute trustee, but Mr. Rogers has neither paid the money directed to be paid by decree, nor endeavored to secure the trust out of his own property.

The trustee Cauldwell has borne a good repriation, and it was not until his old are, in a weak moment, that he began to borrow money from the estate to protect his private business and enterprises. It appears that he has transferred to the substituted trustee substantially his entire property in order that the trust estate may be made whole. The Surrogate therefore denies the motion to punish Cauldwell for contempt, and thus deprive him of his personal liberty until his actual dedictency is determined, but leaves to the moving parties the right to renew their motion, after a liquidation of the cointertal delivered by Cauldwell. So far as Trustee Rogers is concerned, a different aspect is presented.

While he did not benefit personally from the motion of his populated, and the was and

WOOL STOREHOUSE BURNED.

A THREE-HUNDRED-THOUSAND DOLLAR BLAZE NEAR ANDOVER, MASS.

Andover, Mass., May 11.—A large three-story stone building at Ballardvale, used as a wool storehouse by Jamison Lovejoy, of Boston, was burned shortly after mon to-day, together with a number of connecting buildings. The buildings contained wool valued at between \$250,000 and \$300,000.

contained wool valued at between 2500,000.

Most of the stock was destroyed or badly damaged, and it is thought the total loss will be nearly 300,000.

It is believed the fire was accidentally started by workmen who had been repairing the rood during the forencen. The flames spread rapidly, and the local department called on Andover for assistance, but it was impossible to save the store-house and the adjoining structure. The burned buildings were owned by William Oswaid, of Lawrence, and the Simmons heirs, of Boston. The wool is insured, and it is thought that there is an insurance on the buildings, but the amounts cannot be learned here.

TEN MEN INJURED.

EXPLOSION OF GAS IN A TUNNEL UNDER LAKE ERIE.

Cleveland, May 11.-Ten men were injured by an explosion of gas to-day in the new waterworks tunnel under the lake. The diggers were 6,300 feet from shore. The explosion was caused by one of the men striking a match to light his pipe. In-stantly there was a flash of flame and a terrifo-roar, filling the tunnel with smoke and blinding the diggers. An alarm was at once sent to the the diggers. An alarm was at once sent to the power-house on shore, and a relief expedition was organized among other workmen for the rescue of their comrades. Biackened, blinded and stunned the injured men were carefully transported to the shaft, and thence conveyed by ambulance to hospitals. Most of the men injured were Italians. Two are probably fatally hurt.